



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

100 F Street, N.E.
Washington, D.C. 20549

June 14, 2019

Via ECF

The Honorable Debra C. Freeman
United States Magistrate Judge
U.S. District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

**Re: *SEC v. Rio Tinto, et al.*, No. 1:17-cv-07994-AT-DCF
Joint Status Letter**

Dear Judge Freeman:

Pursuant to this Court's June 3, 2019 Order (ECF No. 158), the parties respectfully submit this joint status letter to update the Court.

I. Status of Rio Tinto's Additional Document Production

As discussed in the parties' prior joint status letters (ECF Nos. 155, 157), Rio Tinto learned from its document vendor that document families containing a mix of privileged and non-privileged documents may have been erroneously withheld from certain productions. On June 1, 2019, Rio Tinto produced the non-privileged portions of those document families that were erroneously withheld.

Rio Tinto does not believe there are any outstanding technical issues that could result in additional document production.

II. Deposition Scheduling

Fact witnesses are scheduled to be deposed in Sydney on June 19 and 20, and in London on July 10 and 19. The parties anticipate re-scheduling the depositions of Defendants Thomas Albanese and Guy Elliott to dates after briefing on the SEC's anticipated Motion for Leave to Amend its Complaint is completed on July 29. The parties continue to cooperate in the scheduling of the depositions of three other fact witnesses, which they are endeavoring to complete by the end of September. One of these witnesses is in London, one is in Utah, and one is in Australia. The parties are considering whether to conduct the remaining Australia deposition by video-conference for the sake of efficiency.

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III. Other Discovery

The SEC and Rio Tinto have agreed upon search parameters for the SEC's Third Request for Production of Documents, which is directed at Rio Tinto and is not related to the technical issues discussed above.

The parties continue to confer regarding the SEC's responses to certain of Defendants' written discovery requests.

Defendants maintain the SEC should not be allowed to amend its Complaint and will oppose the SEC's anticipated Motion for Leave to Amend its Complaint. The parties agree that should the Court permit the SEC to file an amended complaint over Defendants' objections and the amended complaint raises new factual issues, altered allegations, or any matter that requires the discovery of additional facts, the Defendants will be permitted to request additional time for fact discovery as necessary.

Defendants reserve their rights to update and amend their Supplemental Initial Disclosures and any and all responses and objections to written discovery. The SEC reserves its right to object to requests for such additional discovery or additional time for discovery depending on the circumstances. The SEC continues to reserve its right to pursue additional discovery based on Rio Tinto's recent and ongoing document productions.

IV. Scheduling

The parties are targeting a schedule in which all remaining depositions of fact witnesses will be completed by or before the end of September 2019. The parties submit that the best course is to submit a further joint status letter after briefing on the SEC's motion for leave to amend its complaint is completed, *see* Judge Torres' Order at ECF No. 154, by which time the parties hope to have all remaining depositions of fact witnesses scheduled.

Respectfully submitted,

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